

AO 91 (Rev. 01/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoUnited States of America  
v.

Juan Carlos SORIANO-De La Cruz

Defendant(s)

Case No:

18MJ4025

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of December 17, 2018 in the county of Otero in the State and District of New Mexico, the defendant violated 8 U.S.C. §1326(a)(1),(2)(Re-Entry After Deport), an offense described as follows:

an alien, who had been previously arrested and deported from the United States and who had not received the consent of the appropriate authority of the United States to reapply for admission into the United States, was found in the United States, being willfully in the United States unlawfully

This criminal complaint is based on these facts:

On December 17, 2018 the DEFENDANT was encountered at the U.S. Border Patrol Checkpoint on Hwy 54, south of Alamogordo, New Mexico. The DEFENDANT was in a red Toyota Corolla bearing California plates 8FLT425. The vehicle entered the primary inspection area and the agent questioned the driver as to his citizenship. The driver stated that he was a United States citizen. The agent noticed there was a passenger asleep on the passenger side of the vehicle and questioned the driver as to who he was. The driver stated that he was his friend and that he was a U.S. citizen. After several attempts were made to wake up the DEFENDANT. The DEFENDANT opened his eyes. The agent greeted and questioned the DEFENDANT as to his citizenship.

☒ Continued on the attached sheet.



Complainant's signature

Aaron Padilla, Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: December 19, 2018

City and state: Las Cruces, N.M.



Judge's signature

STEPHAN M. VIDMAR  
U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Juan Carlos SORIANO-De La Cruz

**Continuation of Statement of Facts:**

The DEFENDANT replied in the Spanish language that he was going to find work. The agent questioned the DEFENDANT in the Spanish language if he was ok and if he understood what he was asking him. The DEFENDANT replied yes but he was only trying to find work. The agent questioned the DEFENDANT as to where he was born and the he replied in Spanish that he was born in Mexico. The agent asked the DEFENDANT if he had any immigration documents that would allow him to be or remain in the United States legally. The DEFENDANT mumbled some words while shaking his head no. The agent asked him to repeat his answer and the DEFENDANT clearly said no. The agent asked the DEFENDANT if he was here in the United States illegally. The DEFENDANT admitted that he was present in the United States without any immigration documents.

The driver and the Defendant were placed under arrest and escorted inside the checkpoint for further processing. The DEFENDANT was advised of his rights via form I-214 and the DEFENDANT stated he understood and signed accordingly. The DEFENDANT's biographical information, fingerprints and photo were entered into the E3/IDENT/NGI system. The system identified the DEFENDANT and revealed the DEFENDANT had an active felony warrant for 1st Degree Burglary, fully extraditable out of San Jose, California. The system also revealed the DEFENDANT had a prior order of removal on June 19, 2017 through San Ysidro, CA.

The DEFENDANT stated that he paid a smuggler a \$1500.00 USD down payment to facilitate his illegal entry. The DEFENDANT stated that on December 15, 2018, he illegally re-entered the United States by jumping a fence near Sunland Park, New Mexico, approximately 7 miles east of the Santa Teresa Port of Entry. This area is not a designated port of entry by the proper authorities. The DEFENDANT has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to apply for admission into the United States.

**Continuation of Statutory Language:**

  
\_\_\_\_\_  
Signature of Judicial Officer

**STEPHAN M. VIDMAR**  
**U.S. MAGISTRATE JUDGE**

  
\_\_\_\_\_  
Signature of Complainant

**Padilla, Aaron**  
Filing Agent